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Attorneys for Plaintiff Ameranth, Inc.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

AMERANTH, INC.

Plaintiff,

v.

PIZZA HUT, INC., PIZZA HUT OF
AMERICA, INC., DOMINO'S PIZZA, LLC,
DOMINO'S PIZZA, INC., PAPA JOHN'S
USA, INC., OPENTABLE, INC.,
GRUBHUB, INC., NETWAITER, LLC,
TICKETMOB, LLC, EXIT 41, LLC,
QUIKORDER, INC., SEAMLESS NORTH
AMERICA, LLC, and O-WEB
TECHNOLOGIES LTD.,

Defendants.

Civil Action No.: 3:11-cv-01810-JLS-NLS

**REQUEST FOR VOLUNTARY
DISMISSAL WITH PREJUDICE
AGAINST NETWAITER, LLC
DEFENDANT ONLY [FRCP 41(a)(2)]**

JURY TRIAL DEMANDED

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1 In light of a settlement agreement entered into by and between plaintiff AMERANTH,
2 INC. ("Ameranth"), on one hand, and defendant NetWaiter, LLC ("NetWaiter"), only, and not
3 with any other defendants, Ameranth, pursuant to Federal Rule of Civil Procedure 41(a)(2),
4 requests that the Court dismiss the action against NetWaiter, only, with prejudice, with each side
5 bearing their own fees and costs incurred as to each other. The action shall continue against all
6 other defendants.

7 Dated: October 3, 2011

Respectfully submitted,

8 MAZZARELLA CALDARELLI LLP

9 By: /s/ William J. Caldarelli
10 William J. Caldarelli

11 **Attorneys for Ameranth, Inc.**